

1632

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PATENT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher *et al.*
Serial No. : 09/515,369 Examiner: Sorbello, E.
Filed : February 29, 2000 Group Art Unit: 1632
For : MELANOMA DIFFERENTIATION ASSOCIATED GENE-7
PROMOTER AND USES THEREOF

TECH CENTER 1600/2900

#17

8-8-02

P.7.

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231

July 17, 2002

Date of Deposit

Lisa B. Kole

Attorney Name

Lisa B. Kole
Signature

35,225

PTO Registration No.

July 17, 2002

Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated June 18, 2002, please consider the following remarks.

The Examiner asserts that that the present application contains two distinct inventions, grouped as follows:

Group I: Claims 1-9 and 14-20, drawn to a promoter, vector, any host cell and a method of expressing foreign DNA in the said host cell *in vitro*, classified in class 435, sub-class 70.1.

Group II: Claims 10-13 and 21-25, drawn to a host cell, wherein the host cell is a cancer cell and a method of treating cancer comprising administering a recombinant expression vector *in vivo*, classified in class 424, subclass 93.2.

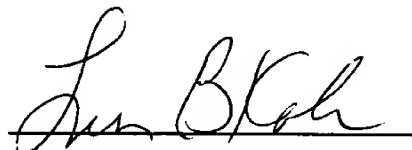
The Examiner indicates that these two Groups do not relate to a single invention under 35 U.S.C. § 121 because each of the Groups may be used separately from each other. The Examiner has therefore required that Applicants restrict the prosecution of this application to one of the foregoing groups.

In response, Applicants elect to pursue in this application the invention of Group I, which comprises Claims 1-9 and 14-20 as they relate to the promoter of the melanoma differentiation associated gene-7 (*mda-7*), vectors containing this promoter, host cells containing these vectors, and methods of expressing foreign DNA molecules in said host cells *in vitro*. This election is made without traverse, and without prejudice to the prosecution of the subject matter of the non-elected groups in other patent applications.

Applicants believe that no fee is required in connection with this communication.
However, if any fee is required, please charge such fee to our Deposit Account No. 02-4377.
Two copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

A handwritten signature in black ink, appearing to read "Lisa B. Kole", written over a horizontal line.

Lisa B. Kole, M.D., Ph.D.
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